

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RICARDO LARA, ANA LARA, ) Case No. CV 12-08469 DDP (JCGx)  
Plaintiffs, )  
v. ) ORDER DENYING DEFENDANTS' MOTION  
COUNTYOF LOS ANGELES; LEE ) TO DISMISS IN PART AND GRANTING  
BACA IN HIS OFFICIAL ) IN PART  
CAPACITY AS SHERIFF OF LOS )  
ANGELES COUNTY; LEE BACA IN )  
HIS INDIVIDUAL CAPACITY; ) [Dkt. No. 16]  
DEFENDANT DOE DEPUTY "LOPEZ" )  
AND DOE DEFENDANTS, )  
Defendants. )  
\_\_\_\_\_  
)

Presently before the court is Defendants County of Los Angeles and Lee Baca ("Baca")'s Motion to Dismiss. Having considered the submissions of the parties, the court denies the motion in part, grants the motion in part, and adopts the following order.

**I. Background**

In February 2012, Plaintiff Ricardo Lara ("Lara") was incarcerated at Pitchess Honor Ranch, a Los Angeles County detention facility. (Complaint ¶ 16.) On February 7, Sheriff's

1 Department deputies instructed another inmate to force Plaintiff to  
2 perform more than five hundred repetitions of a strenuous physical  
3 exercise. (Id. ¶¶ 19-21.) Deputies communicated to Lara, both  
4 directly and through other inmates, that Lara would suffer  
5 additional punishment if he did not perform the exercises. (Id. ¶¶  
6 19-20.) The exercises rendered Lara unable to stand or walk, and  
7 he began to urinate blood. (Id. 22-24.) Under threat from other  
8 inmates, and at deputies' behest, Lara was not allowed to lie down  
9 or sleep at night. (Id. ¶ 26.) The following day, Lara was forced  
10 to crawl onto a bus on his hands for transport to work at a laundry  
11 facility. (Id. ¶ 26.) Deputies did not summon medical aid. (Id.  
12 ¶ 27.)

13       Lara did not receive medical attention until the morning of  
14 February 9, and was hospitalized that evening. (Id. ¶¶ 32, 33.)  
15 Lara underwent several surgeries and remained on bed rest until  
16 February 29, when he was discharged to a jail medical ward, where  
17 he recuperated for several months. (Id. ¶¶ 34-35.)

18       On October 3, 2012, Lara and his wife filed the instant civil  
19 rights action, alleging numerous violations of 42 U.S.C. § 1083 and  
20 state law against the County, Sheriff Lee Baca, and unnamed Doe  
21 deputies.

22       Defendants Baca and the County now move to dismiss the  
23 Complaint.<sup>1</sup>

24       ///

25       ///

---

26  
27       <sup>1</sup> Though this Motion to Dismiss is ostensibly brought on  
28 behalf of both Defendant Baca and the County, the motion only seeks  
dismissal of claims against Baca.

1     **II. Legal Standard**

2         A complaint will survive a motion to dismiss when it contains  
3 "sufficient factual matter, accepted as true, to state a claim to  
4 relief that is plausible on its face." Ashcroft v. Iqbal, 556 U.S.  
5 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544,  
6 570 (2007)). When considering a Rule 12(b)(6) motion, a court must  
7 "accept as true all allegations of material fact and must construe  
8 those facts in the light most favorable to the plaintiff." Resnick  
9 v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000). Although a complaint  
10 need not include "detailed factual allegations," it must offer  
11 "more than an unadorned, the-defendant-unlawfully-harmed-me  
12 accusation." Iqbal, 556 U.S. at 678. Conclusory allegations or  
13 allegations that are no more than a statement of a legal conclusion  
14 "are not entitled to the assumption of truth." Id. at 679. In  
15 other words, a pleading that merely offers "labels and  
16 conclusions," a "formulaic recitation of the elements," or "naked  
17 assertions" will not be sufficient to state a claim upon which  
18 relief can be granted. Id. at 678 (citations and internal  
19 quotation marks omitted).

20         "When there are well-pleaded factual allegations, a court should  
21 assume their veracity and then determine whether they plausibly  
22 give rise to an entitlement of relief." Id. at 679. Plaintiffs  
23 must allege "plausible grounds to infer" that their claims rise  
24 "above the speculative level." Twombly, 550 U.S. at 555.  
25 "Determining whether a complaint states a plausible claim for  
26 relief" is a "context-specific task that requires the reviewing  
27 court to draw on its judicial experience and common sense." Iqbal,  
28 556 U.S. at 679.

1       **III. Discussion**

2           A. Sufficiency of the Pleadings

3           Defendants argue that the Fourth Cause of Action, brought  
4 against Baca in his individual capacity, should be dismissed for  
5 failure to state a cause of action. A supervisor may be  
6 individually liable if he is personally involved in a  
7 constitutional injury or where there is a "sufficient causal  
8 connection between the supervisor's wrongful conduct and the  
9 constitutional violation." Starr v. Baca, 652 F.3d 1202, 1207-08  
10 (9th Cir. 2011) (quotation marks and citation omitted). Knowing  
11 refusal to terminate the acts of subordinates, inaction in training  
12 or control of subordinates, acquiescence in constitutional  
13 violations, or reckless or callous indifference to constitutional  
14 rights may constitute sufficient causal connection to a violation  
15 to confer individual liability upon a supervisor. Id.

16           In Starr, the Ninth Circuit found supervisory liability  
17 allegations against Sheriff Baca sufficient where the plaintiff's  
18 complaint alleged several incidents of deputy-on-inmate violence  
19 and inmate-on-inmate violence in Los Angeles County jails, that  
20 Sheriff Baca received notice of the incidents, and that Sheriff  
21 Baca acquiesced in the unconstitutional actions of his  
22 subordinates. Id. at 1216.

23           Here, the Complaint makes allegations similar to those in  
24 Starr, albeit with less detail. Indeed, many of the allegations  
25 here appear to paraphrase the allegations in Starr. For example,  
26 the Complaint alleges that Merrick Bobb, Special Counsel to the  
27 County Board of Supervisors, informed Baca in 2003 that deputies in  
28 the jails were undertrained, and that this deficiency posed a

1 danger. (Complaint ¶ 47.) See Starr, 652 F.3d at 1211. The  
2 Complaint further alleges that high ranking Sheriff's Department  
3 officials informed Baca of the existence of deputy gangs and  
4 excessive force as early as 2006. (Compl. ¶¶ 48, 52.) The  
5 Complaint also alleges that Baca publicly admitted to knowledge of  
6 "indiscriminate and rampant use of force" prior to Lara's  
7 incarceration. (Compl. ¶ 38.) Like the plaintiff in Starr, Lara  
8 alleges here that Baca received numerous reports of inmate abuse  
9 from the Office of Independent Review and the American Civil  
10 Liberties Union. (Id. ¶¶ 50-52.) See Starr, 652 F.3d at 1211.  
11 The Complaint further alleges that, despite his knowledge of  
12 incidents of jail violence, derived from the sources listed above,  
13 Baca did not take any steps to address those dangers. (Compl. ¶¶  
14 54-55.) While the allegations here are not as specific or detailed  
15 as those in Starr, neither are they bare assertions insufficient to  
16 suggest an entitlement to relief. Lara's supervisory liability  
17 allegations are therefore sufficient to survive this motion to  
18 dismiss.

19       B. Redundancy of Official Capacity Claim

20       Defendants also contend that Plaintiffs' Third Cause of Action  
21 against Baca in his official capacity is duplicative of the claim  
22 against the County. (Mot. at 8.) Official capacity claims, such as  
23 that brought by Plaintiffs, are generally an alternative way of  
24 pleading an action against the local government entity of which the  
25 named officer is an agent. See Monell v. Dep't. of Social Servs.,  
26 436 U.S. 658, 690 n. 55 (1978); Chew v. Gates, 27 F.3d 1432, 1446  
27 n. 15 (9th Cir. 1994). As such, judgments against public servants  
28

1 in their official capacities impose liability on local entities.

2 Brandon v. Holt, 469 U.S. 464, 471-472 (1985).<sup>2</sup>

3 Where plaintiffs sue both a local government entity and agents  
4 of that entity in their official capacities, courts may dismiss the  
5 official capacity claims as duplicative. See, e.g. Luke v. Abbott,  
6 954 F.Supp. 202, 204 (C.D. Cal. 1997); Vance v. County of Santa  
7 Clara, 928 F.Supp. 993, 996 (N.D. Cal. 1996); c.f. Clements v.  
8 Airport Authority of Washoe County, 69 F.3d 321, 337 n.20 (9th Cir.  
9 1995). Because Plaintiffs' claim against Baca in his official  
10 capacity is duplicative of the claim against the County,  
11 Plaintiffs' Third Cause of Action is dismissed as to Defendant Baca  
12 in his official capacity.

13 **IV. Conclusion**

14 For the reasons stated above, Defendants' Motion to Dismiss is  
15 GRANTED in part and DENIED in part. The Third Cause of Action  
16 against Defendant Baca in his official capacity is DISMISSED.

17

18

19 IT IS SO ORDERED.

20

21

22 Dated: January 8, 2013



DEAN D. PREGERSON  
United States District Judge

24

25

<sup>2</sup> Courts are divided on the question whether a Plaintiff may choose to name either an individual in an official capacity or the local entity itself. Compare Bell v. Baca, 2002 WL 368532 \*2 (C.D. Cal. 2002) (declining to substitute local entity as defendant in lieu of official capacity defendant) with Luke v. Abbott, 954 F.Supp. 202, 204 (C.D. Cal. 1997) (dismissing officer sued in his official capacity and substituting local entity as defendant).